

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Claims 1, 3-5, 7, 9-11, 13 and 17-28 are pending in this application. By the present Amendment, Claims 1, 5, 7, 13, 21 and 25 are amended.

At paragraph 3 of the outstanding Office Action, the Examiner has rejected claim 5 under 35 U.S.C. §112, stating that the limitation “the genre” in line 2 has insufficient antecedent basis. Applicants have amended claim 5 to provide proper basis, and therefore request that the rejection of claim 5 under 35 U.S.C. §112 be withdrawn.

At paragraph 5 of the outstanding Office Action, the Examiner has rejected claims 1, 3-5, 7, 9-11, 13, and 17-20 under 35 U.S.C. §103(a) as being unpatentable over Herz et al. (U.S. Patent No. 6,088,722) in view of Robinson (U.S. Patent No. 5,790,426). Applicants respectfully traverse the rejection.

The Examiner admits that Herz et al. does not explicitly disclose that the group user model is formed by a maximum model mode, minimum model mode or average model mode for selecting the maximum value, minimum value or average value, respectively, of the plurality of the specific model. The Examiner then relies on Robinson to teach this element, and relies on a portion of Robinson where a user is allowed to select a maximum value or minimum value when entering a subscriber taste for a particular genre. However, this is not the claimed invention.

As amended, independent claims 1, 7, 13, 21 and 25 specifically recite that the value mode is employed for retrieving information and has no relation whatsoever to the indication of tastes of a user. Thus, if a user selects a maximum model mode, for example, information will be retrieved if a user assigned to the group has a genre that is especially desired to be watched,

thus indicating that one user in the group has a strong preference for the genre. However, if a minimum mode is selected, information will be retrieved for a genre such that nobody among all of the users has complained. Finally, if a simple average mode is selected, information related to a genre liked by all users assigned to the group is selected. Thus, rather than including ability to indicate a minimum or maximum value for a particular desired characteristic, the mode selection allows for differences in the method used to retrieve database information for a particular group. Thus, the groups are formed so that various types of information may be retrieved based upon various user desired modes. Support for these amendments are included in the specification as originally filed at page 37, lines 3-24.

Because Robinson fails to teach this feature, Applicants respectfully request that the rejection of independent claims 1, 7, 13, 21 and 25 be withdrawn. Furthermore, Applicants submit that the remainder of the claims noted above depend from one of these allowable independent claims, and are therefore allowable for this reason alone, and additionally as presenting independently patentable combinations in and of their own right. Therefore, Applicants request that the rejection of claims 1, 3-5, 7, 9-11, 13 and 17-20 under 35 U.S.C. §103(a) be withdrawn.

At paragraph 6 of the outstanding Office Action, the Examiner has rejected claims 21-28 under 35 U.S.C. §103(a) as being unpatentable over Bergh et al. (U.S. Patent No. 6,112,186) in view of Hendricks et al. (U.S. Patent No. 5,798,785). Applicants respectfully traverse the rejection.

Applicants have amended independent claims 21 and 25 to include elements similar to those noted above with respect to claim 1. Applicants further submit that neither Bergh et al. nor Hendricks et al. teach these elements noted above, and therefore Applicants submit that

independent claims 21 and 25 are allowable. Furthermore, Applicants submit that dependent claims 22-24 and 26-28 depend from allowable independent claims 21 and 25, respectively, and are therefore allowable for this reason alone, and additionally as presenting independently patentable combinations in and of their own right. Applicants therefore respectfully request that the rejection of claims 21-28 under 35 U.S.C. §103(a) be withdrawn.

In regard to the claims amended herein, it is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. 112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicants' representative at the telephone number written below.

CONCLUSION

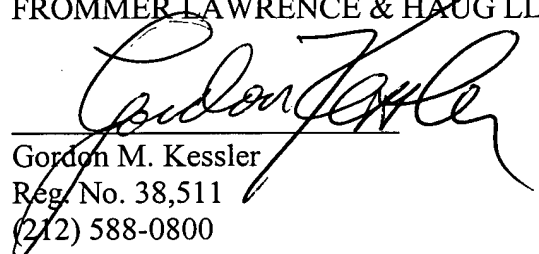
Applicants have made a diligent effort to place claims 1, 3-5, 7, 9-11, 13 and 17-28 in condition for allowance, and notice to this effect is earnestly solicited. If the Examiner is unable to issue a Notice of Allowance regarding these claims, the Examiner is respectfully requested to contact the undersigned attorney in order to discuss any further outstanding issues.

Early and favorable consideration are respectfully requested.

Respectfully submitted,

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